

PATENT
Atty. Docket No. 111586-094UTL

REMARKS

The foregoing amendment is in response to the Office Action of October 1, 2007 and the telephone interview with the Examiner which took place on October 11, 2007. In the telephone interview, proposed amendments to the independent claims 1, 18, 36, 37, and 50 were presented to the Examiner, and the differences between the amended claims and unchanged independent claim 51 and U.S. Patent No. 5,580,340 of Yu were discussed.

In the interview, agreement was reached as to all of the independent claims apart from claim 36, and claim 36 has been canceled in the foregoing amendment. Additionally, dependent claims 4 to 7, 10, 12, 13, 16, 17, 19, 20, 23, 25, 28 to 34, 42 to 48, and 54 drawn to features of non-elected embodiments have been canceled without prejudice or disclaimer. Applicant intends to file divisional applications directed to features of the non-elected embodiments. Dependent claims 49, 54, 57, and 58 have also been canceled without prejudice or disclaimer, and dependent claim 60 has been amended to depend from claim 1.

As regards amended claims 1 and 50, Applicant indicated that these claims distinguish over Yu who has no secondary support fixed at a predetermined angular orientation relative to a primary support (which supports the majority of the user's weight) throughout the exercise movement. The primary support in Yu is pad 31 and frame member 32. All other parts of user support move relative to this support during exercise (see Fig. 2, 3 of Yu). Following discussion of these differences, the Examiner indicated that these amended claims appeared to distinguish over Yu.

Amended claim 18 is distinguished over Yu since this reference has no upright at an angle less than 180° to a base member, together with a primary user support which supports the majority of the user's weight in the start position and comprises a pad mounted on the base member. In the Office Action, the Examiner defines the lower section of support frame 42 in Yu as the base member, but there is no pad mounted on this part of the frame in Yu. Instead, the pad is mounted at the upper end of support frame or member 42 as a back rest, and this pad in any case is not the primary user support which supports the majority of a user's weight, which is pad 31 on frame member 32. Following discussion of these differences, the Examiner indicated that amended claim 18 appeared to be distinguished over Yu since there is no way that a support pad could be located on the lower portion of the frame member 42.

PATENT
Atty. Docket No. 111586-094UTL

Amended claim 37 includes similar language to claims 1 and 50, and is distinguished over Yu for the same reasons. Claim 37 additionally defines the secondary user support as fixed at a predetermined angle less than 180° to the primary user support throughout the exercise movement. In Yu, the user's weight is supported by seat pad and base 31,32, back pad and back strut 41,42, and foot rest assembly 50. None of these parts remains at a fixed, predetermined angle relative to either of the other support parts throughout an exercise movement, as can be seen in Figures 2 and 3. In the telephone interview, the Examiner indicated that this claim also appeared to be distinguished over Yu.

Claim 51 is not amended since it is already distinguished over Yu, as discussed with the Examiner. Claim 51 defines a leg support which travels in the same direction as the primary support throughout the exercise movement. As seen in Figures 2 and 3 of Yu, the leg support 50 travels in the opposite direction (anti-clockwise or forward about pivot 111) to both the back rest and seat pad which each pivot rearward about their respective pivots, in a clockwise direction. Following discussion of these differences, the Examiner agreed that claim 51 appeared to be distinguished over Yu.

It is therefore submitted that the foregoing amendment deals with all grounds of rejection in the current Office Action, and that independent claims 1, 18, 37, 50, and 51 are not obvious in view of Yu. Entry of this amendment is therefore respectfully requested.

PATENT
Atty. Docket No. 111586-094UTL

CONCLUSION

It is believed that all claims remaining in this application, specifically claims 1 to 3, 8, 9, 11, 14, 15, 18, 21, 22, 24, 26, 27, 35, 37 to 41, 52, 55, 56, 59, and 60 are in condition in all respects for allowance, and early notice to this effect is earnestly solicited. If the Examiner has any questions or comments regarding the above Amendments and Remarks or believes that a telephone conversation may be useful in advancing prosecution, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,
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